IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 522 OF 2000

Kesu Maruti Patil & ors. ... Appellants.
Versus.
Akaram Parashram Patril & ors. ... Respondents.

AND

SECOND APPEAL NO.524 OF 2000

Babasaheb Shamrao Patil & ors. ... Appellants.
Versus.
Akaram Parashram Patil & ors. ... Respondents.

Shri H.S.Venegavkar for the Appellants in both appeals.

Shri H.D.Gole for the Respondents in both appeals.

CORAM : ABHAY S. OKA, J.

DATED : 9th February, 2005.

P.C.:

1. Heard the learned Counsel appearing for the parties.

2. Shri Venegavkar the learned Counsel appearing for the Appellants submitted that the reference to the Agricultural Land Tribunal was not at all required and the reference itself was incompetent and therefore, the finding recorded by the Tribunal cannot be considered. It is pertinent to note here that the order of the trial Court referring the issue to the Tribunal was not challenged by the Appellants even before the authority to whom the reference was made and no argument was advanced that the reference was incompetent. Moreover the order passed in the reference has been confirmed by

this Court in a petition under Article 227 of the Constitution of India and therefore, the finding recorded in the Reference has attained finality. If the said finding has attained finality, the Appellants cannot now agitate that the Reference was incompetent.

3. In view of this position, no substantial question of law arises. The Second Appeals are dismissed with no order as to costs.

Judge.